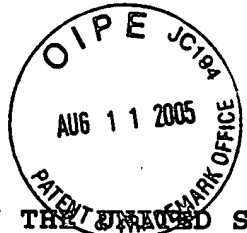


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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re application of

Yelena **LOGINOVA**, Alan **FARER** and Ralph **MACCHIO**

Appln. No.: **10/520,561**

Confirmation No. **5265**

Filed: **January 7, 2005**

Group Art Unit: **1617**

For: **MOISTURE-PROOF MASCARA COMPOSITION**

Attorney Docket No.: **3975.038**

Customer Number: **000041288**

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97 and §1.98**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application. Copies of the documents set forth below and listed on the attached Form PTO/SB/08A, copy of an International Search Report and copy of a German Office Action are provided herewith.

1. European Patent Application No. 0 557 196 A
2. French Patent Application No. 2 659 011 A
3. World Patent Application No. 02 30368 A
4. U.S. Patent No. 5,874,072 A
5. World Patent Application No. 99 20230 A
6. German Patent Application No. 100 53052 A1
7. German Patent Application No. 69101889 T2

U.S. PATENT APPLICATION  
SERIAL NO.: 10/520,561  
INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 3975.038

8. U.S. Patent No. 5,599,547
9. U.S. Patent No. 5,534,247
10. U.S. Patent No. 6,255,421
11. U.S. Patent No. 5,849,278 A (1)
12. U.S. Patent No. 5,925,337 A (2)
13. U.S. Patent Publication No. 2004/013624 A1 (3)

**Document 1**

Document 11 is an English language document in the patent family of Document 1.

In the International Search Report the whole Document 1 was cited as "A" category relevancy to claims 1-5.

**Document 2**

Document 12 is an English language document in the patent family of Document 2.

In the International Search Report the whole Document 2 was cited as "A" category relevancy to claims 1-5.

**Documents 3 and 6 (patent family)**

Document 13 is an English language document in the patent family of Documents 3 and 6.

In the International Search Report the whole Document 3 was cited as "A" category relevancy to claims 1-5.

**Document 4**

Document 4 is in the English language.

In the International Search Report the whole Document 4 was cited as "A" category relevancy to claims 1-5.

**Documents 5**

Applicants are not aware of any English language document equivalent to Document 5, other than an English language abstract:

One key problem in the formulation of hair mascara is to give the user a feeling of having dry hair whilst at the same time maintaining residual moisture so that the hair can be easy to comb and to shape. This is achieved by adding a combination of wax with a melting point of at least 60 DEG C and a non-ionogenic synthetic polymer to said mascara.

In the International Search Report the whole Document 5 was cited as "A" category relevancy to claims 1-5.

**Documents 7**

Applicants are not aware of any English language document equivalent to Document 7. Document 7 was cited in an Office Action in the corresponding German Application, but merely shows at page 7, line 37 to page 8, line 2 that PVP is soluble in water.

U.S. PATENT APPLICATION  
SERIAL NO.: 10/520,561  
INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 3975.038

**Documents 8-10**

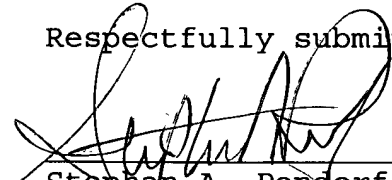
Documents 8-10 are in the English language.

The present Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

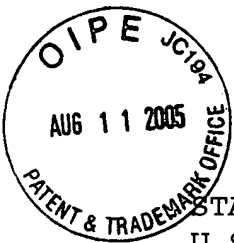
Respectfully submitted,

  
\_\_\_\_\_  
Stephan A. Pendorf  
Reg. No. 32, 665

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Dated: **August 9, 2005**

U.S. PATENT APPLICATION  
SERIAL NO.: 10/520,561  
INFORMATION DISCLOSURE STATEMENT

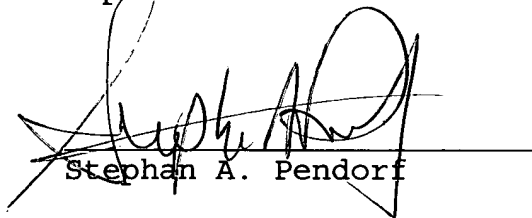
ATTY DOCK: 3975.038



**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT Form PTO/SB/08A, including thirteen (13) documents, for U.S. Application No. 10/520,561 filed January 7, 2005, were deposited in first class U.S. mail, postage prepaid, P.O. Box 1450, Alexandria, VA 22313-1450, on **August 9, 2005**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
Stephan A. Pendorf

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

AUG 11 2005

(use as many sheets as necessary)

Sheet 1

PATENT &amp; TRADEMARK OFFICE

**Complete If Known**

Application Number	10/520,561
Filing Date	January 7, 2005
First Named Inventor	Yelena LOGINOVA
Art Unit	1617
Examiner Name	
Attorney Docket No.	3975.038

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,874,072 A	02-23-1999	ALWATTARI ALI ABDELAZIZ	See transm. letter
		US- 5,599,547	02-04-1997	BARTHOLOMEY EDWARD M	See transm. letter
		US- 5,534,247	07-09-1996	FRANJAC DAVID	See transm. letter
		US- 6,255,421	07-03-2001	PLOCHOCKA KRYSZYNA	See transm. letter
		US- 5,849,278 A	12-15-1998	PIOT BERTRAND	See transm. letter
		US- 5,925,337 A	07-20-1999	ARRAUDEAU JEAN-PIERRE	See transm. letter
		US- 2004/013624 A1	01-22-2004	MATEU JUAN	See transm. letter
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>5</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		EP 0 557 196 A	08-25-1993	PIOT BERTRAND	See transm. letter	N
		FR 2 659 011 A	09-06-1991	JEAN-PIERRE ARRAUDEAU	See transm. letter	N
		WO 02 30368 A	04-18-2002	MATEU JUAN R	See transm. letter	N
		WO 99 20230 A	04-29-1999	HURSCHMANN BIRGITTA	See transm. letter	N
		DE 100 53052 A1	06-06-2002	MATEU JUAN R	See transm. letter	N
		DE 69101889 T2	12-22-1994	ARRAUDEAU JEAN-PIERRE	See transm. letter	N

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.